

COMMISSION MEETING**7:00 P.M.****FEBRUARY 17, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, February 17, 2016, in the City Commission Meeting Room with Mayor Giefer. Commissioner Mlynar was absent. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

Mayor Giefer reviewed general information for the month of January for the community which included monthly sales tax receipts, building permits and information.

The following is general information for the month of January for the community:**1. Monthly Local Retail Sales Tax Receipts Update**

2015	2016	Decrease of \$3,796.93 for the month, and
\$382,275.17	\$378,478.24	Overall decrease of 0.99% from year 2015

2. City Share from County Tax

2015	2016	Increase of \$7,552.13 for month, and
\$184,663.57	\$192,215.70	Overall increase of 4.09% from year 2015

3. Building Permits issued from 1/1/2016 to 1/31/2016 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	15
Total of valuations associated with those building permits:	\$200,600.00
Total number of dollars collected for Building Permit Fees:	\$1,812.26

Consent Agenda

It was moved by Commissioner Gilligan, seconded by Commissioner Geitz that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on February 3, 2015.
- b. Consider ratification of Payroll Ordinance for period ending February 5, 2016.
- c. Consider Approval of January Budget.
- d. Consider the Set Bid Time and Date for the Side by Side Utility Vehicle for the Zoo.

The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

Jesse Nelson was in attendance to accept a proclamation recognizing Coach Jesse Nelson as the most accomplished high school basketball coach in Kansas. He began his coaching career in 1978 in Olpe and his High School record is 823-104, Junior High School is 359-47. He has won 26 Lyon County League Titles and 26 Lyon County League Tournament Titles. Named winningest coach in Kansas High School History in 2012. He has been named "Kansas Coach of the Year: 3 times and in 2014 named "America's Best Girls Basketball Coach" by USA Today's High School Sports. Coach Nelson has been selected to coach the 2016 West Squad in this year's McDonalds All-American girls game that will take place March 30th at the United Center in Chicago, Illinois.

Mayor Giefer then presented the proclamation recognizing Coach Jesse Nelson.

**CITY COMMISSION
(Permitting the Sale & Consumption of Alcohol)
(City Parking Lot at 4th & Commercial St.)
(Ordinance Number 16-01)**

AN ORDINANCE EXEMPTING A 130 FOOT BY 58.6 FOOT BEER GARDEN NEXT TO 405 COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 16-01, was presented to the Governing Body for their consumption.

Joe Lauer, representing Town Royal, was recognized and addressed the Governing Body. He stated Town Royal was requesting permission to host a beer garden in connection with the celebration of St. Patrick's Day in the parking lot adjacent to the Town Royal at 405 Commercial Street, between the hours of 9:00 a.m and 1:30 a.m., in the delineated area of approximately 130 feet by 58.6 feet as described in the parking lot. He stated this event will be the same as last years event.

Commissioner Gilligan made a motion to approve Ordinance Number 16-01, an ordinance exempting a 130 foot by 58.6 foot beer garden next to 405 Commercial Street in the City of Emporia, Kansas, from the prohibition on the consumption of alcoholic beverages. Commissioner Harmon seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**SIDEWALK
(2016 30TH Avenue Sidewalk Improvements Project No. SK1501)
(Bids)**

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the 2016 30th Avenue Sidewalk Improvements Project No. SK1501.

BID TABULATION FOR 30TH AVE SIDEWALK IMPROVEMENT

Contractor	Total
Emporia Construction & Remodeling	\$ 97,047.00
APAC-Kansas, Inc. Shears Division	\$ 95,273.54
Quality Built Construction	\$124,605.00
Burlington Construction	\$ 92,001.30
Engineer's Estimate	\$102,505.00

He stated staff was recommending awarding the bid to Burlington Construction for the amount of \$92,001.30. This project is budgeted at \$85,000 out of the 442 Bond Fund.

City Manager McAnarney stated there is cash in the Multi-Year Fund to cover the difference of \$7,001.30.

Commissioner Geitz made a motion to award the bid for the 2016 30th Avenue Sidewalk Improvements Project No. SK1501 to Burlington Construction in the amount of \$92,001.30. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**JONES AQUATICS COMPLEX
(Agreement b/w the City of Emporia and Emporia Recreation Commission)
(2016 Season)**

City Manager McAnarney stated for many years, the Emporia Recreation Commission has operated the Jones Aquatic Complex for the City. The agreement is for the 2016 season and is the same as in past years. He stated the City will pay for the utilities under this agreement. The Emporia Recreation Commission is hoping to recover all of their hard costs under this agreement and do not charge for administrative services such as hiring, payroll, aquatics complex director time, under this agreement.

Following further discussion, Commissioner Harmon made a motion to approve the agreement with the Emporia Recreation Commission to operate the Jones Aquatic Complex for the 2016 season. Commissioner Geitz seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye and Mayor Giefer, aye.

**MEMORANDUM OF UNDERSTANDING
(Agreement between the City of Emporia and Lyon County)
(Retail Firework Stands)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this agreement between the City and the County delineates the policies and procedures regarding retail fireworks stands in Lyon County and the City of Emporia for 2016.

1. The City Clerk shall be responsible for issuing all permits for retail fireworks stands in the City and the County, and all applications for such permits must be made to the City Clerk. The City Clerk will coordinate with County personnel regarding land use restrictions issues and any other issues arising within the County that may affect permit approval status.
2. The fees for retail firework stand permits shall be as follows: two thousand five hundred dollars (\$2,500) per stand in the City; one thousand five hundred dollars (\$1,500) per stand outside of the City limits but within the Metropolitan Area; and two Hundred and fifty dollars (\$250) per stand outside of the metropolitan boundaries. The map labeled

"Lyon county, Kansas Fireworks Permit Map" will be the official map designating the boundaries of each area.

3. All funds collected for firework stand permits shall be placed in a restrict account. These funds shall be utilized for inspection costs and the joint City County fireworks display. This account shall be subject to audit by the City, and the County shall receive a copy of all audit reports of the account.
4. The Emporia Fire Department will be responsible for inspection and enforcement of safety regulations of retail fireworks stands within the City, Metropolitan Area, and County.
5. The sale of fireworks at retail fireworks stands will be authorized between the dates of June 27, 2016 and July 5, 2016 in the City and the County. No fireworks shall be sold at retail fireworks stands outside of these dates.

Following further discussion, it was the consensus of the Commission that this proposed MOU was would help uniform the retail stands in the area and this was another good example of the City and County officials working together.

Commissioner Geitz made a motion authorizing the Mayor to sign the Memorandum of Understanding on the 2016 Fireworks program. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

**PARK DEPARTMENT
(Kansas Department of Wildlife, Parks & Tourism)
(2016 Annual Operation and Maintenance Assurance Statement)**

City Manager McAnarney stated the City of Emporia has worked with the Kansas Department of Wildlife, Parks and Tourism for financial assistance on several projects that include projects in Jones Park, David Traylor Zoo and C of E Park. He stated this agreement is required on an annual basis and he stated staff is recommending approval for 2016.

Commissioner Gilligan made a motion authorizing the Mayor to sign the 2016 Annual Operation of Maintenance Assurance Agreement with the

Kansas Department of Wildlife, Parks and Tourism. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Board Appointments)**

Convention and Visitors Advisory Board:

It was moved by Commissioner Geitz, seconded by Commissioner Gilligan, that Rick Becker and Beverly Beers be reappointed to the Convention and Visitors Advisory Board for terms that expire December 31, 2018. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

Emporia Public Library Board:

_____It was moved by Commissioner Geitz, seconded by Commissioner Gilligan, that Dawn Moews be appointed to the Emporia Public Library Board to fill an unexpired term that ends April 30, 2018. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

At this time this Agenda was prepared, the following items were in the works:

**TENTATIVE AGENDA FOR FEBRUARY 24TH
STUDY SESSION @ 9:00 A.M.**

1. Community Visioning Plan Discussion
2. Becker Addition Part #2
3. Stop Light at 6th & Congress
4. Review 2015 Accomplishments

**Joint City/County Luncheon w/FHTC
at the Flint Hills Tech College**

City Manager McAnarney stated that the Water Tower Improvement Project will begin again on the next tank the week of February 23, 2016, pending temperature.

EXECUTIVE SESSION

Commission Gilligan made a motion to adjourn into Executive Session to discuss attorney/client privilege and proprietary information of a corporation from 7:20 p.m. to 7:35 p.m., in the City Commission Meeting Room. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 7:35 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed attorney/client privilege and proprietary information of a corporation and no action was taken.

Commissioner Harmon then made a motion to adjourn. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk